IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2510 of 2007(W)

PETITIONER:

SRI.C.R.MOHAN, AGED 54 YEARS,
S/O.LATE CHENGALATHU RAMAKRISHNA PILLAI,
NOW WORKING AS ASSISTANT DEVASWOM COMMISSIONER
OFFICE OF THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPAL

RESPONDENTS:

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1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
NANTHANCODE, THIRUVANANTHAPURAM-3.

2. THE DEVASWOM COMMISSIONER,
OFFICE OF THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, THIRUVANANTHAPURAM.

BY SHRI.M.K.CHANDRAMOHAN DAS, SC, TDB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.2510 OF 2007-W.

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Dated this the 24th day of January, 2007.

J U D G M E N T

The petitioner is working as Assistant Devaswom Commissioner under the 1st respondent Devaswom. A dispute relating to the interse seniority between the petitioner and some other officers in the same category, is pending consideration before the 1st respondent. According to the petitioner, he has not been given the full credit of certain periods of services during which period he had been availing leave without allowances, on the ground that the provisions in Appendix XII-A of the Kerala Service Rules do not allow the said period to be counted for seniority.

2. It is contended that the respondents did not advert to G.O.(P).No.274/70/Fin dated 29-4-1970 which was in force at the relevant time and that Note II below Rule 10 of Appendix XII-A introduced as per G.O.(P). No.1078/92/Fin dated 16-12-1992 has not been properly understood by the respondents.

3. Ext.P2 representation filed by the petitioner before the 1st respondent was, in fact, taken up for consideration and the petitioner as well as the

interested/affected parties were afforded an opportunity of being heard. The remarks of the 2nd respondent Commissioner also were called for and the Board has taken into consideration those remarks as well. Yet, final decision has not been taken and the delay in passing orders has caused prejudice to the petitioner. Counsel for the petitioner submits that two vacancies in the post of Deputy Commissioner will arise in March, 2007 and if the claim made by the petitioner is sustained or upheld, the petitioner will be in a position to stake a legal claim against one of those posts.

4. I have heard counsel appearing for the respondents.

5. It is submitted that the respondent Board had heard the petitioner and the affected parties on 30-8-2006 and that the entire aspects are being considered by the 1st respondent based on the report filed by the 2nd respondent before the 1st respondent. It is, therefore, evident that much time may not be necessary to pass final orders on Ext.P2. If further delay occurs, it may complicate the claims of the parties. Hence it would be in the interest of justice that immediate orders are passed settling the seniority dispute between the petitioner and the other

officers of the 1st respondent. I am therefore inclined to dispose of this writ petition with appropriate directions. The 1st respondent shall pass a speaking order on Ext.P2 after considering relevant aspects and communicate the order to the concerned parties within three weeks from the date of receipt of a copy of this Judgment.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-